



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19712 of 2022

Manikandan

... Petitioner/3rd Accused

Vs

The State rep.by,
The Inspector of Police,
Karaikudi North Police Station,
Karaikudi, Sivagangai District.
Crime No.341 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Manikandan S,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.341 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5 and 7 (3) of Lotteries Regulation Act, 1998 in Crime No.341 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are selling prohibited other State lotteries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that in this case, the first accused was arrested and released on bail. Hence, the learned counsel seeks anticipatory bail to this petitioner.

4.The learned Government Advocate (criminal side) would submit that the petitioner is having prohibited other State lotteries, which is worth about Rs.120/-. Hence, he strongly opposed to grant anticipatory bail.



5.Considering the facts and circumstances of the case and considering the nature of the offence levelled against the petitioner and also considering the fact that the co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Special court/concerned court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Special Court/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Special Court/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/11/2022

/ TRUE COPY /

/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN



Note : In view of the present lock down owing to COVID-19, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE, KARAIKUDI.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
 3. THE INSPECTOR OF POLICE, KARAIKUDI NORTH POLICE STATION, KARAIKUDI, SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.MANIKANDAN, Advocate (SR-12651[I] dated 09/11/2022)

ORDER
IN
CRL OP(MD) No.19712 of 2022
Date : 08/11/2022

RK/TR/SAR-3 (17/11/2022) 3P/6C